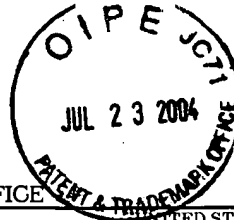



 7-2604  
 UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/801,236	03/16/2004	John Paul Von Arn	65,253-007

CONFIRMATION NO. 2025

 27305  
 HOWARD & HOWARD ATTORNEYS, P.C.  
 THE PINEHURST OFFICE CENTER, SUITE #101  
 39400.WOODWARD AVENUE  
 BLOOMFIELD HILLS, MI 48304-5151

## FORMALITIES LETTER



\*OC000000012831594\*

Date Mailed: 06/01/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 2 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

B-511  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: John Paul Von Arx et al.  
Serial No.: 10/801,236  
Dated Filed: March 16, 2004  
Title: FRAME ASSEMBLY AND FRAME COMPONENT FOR  
TENSIONING FABRIC ABOUT A PANEL OF A  
PARTITION SYSTEM

Group Art Unit: 3635

Examiner: To Be Assigned

Attorney Docket No.: 65,253-007

**RESPONSE TO NOTICE OF OMITTED ITEM(S)  
IN A NONPROVISIONAL APPLICATION**

**Mail Stop Missing Parts**  
**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notice of Omitted Item(s) in a Nonprovisional Application mailed on 6/1/04, please consider the accompanying remarks.

The Notice indicates that Figure 2 appears to have been omitted from the application and then identifies essentially two options for the Applicant. One option is based on whether the Applicant contends that the omitted item was in fact deposited in the USPTO (where the original filing date can be maintained) and the other option is based on whether the Applicant intends to supply the omitted items (where a new filing date will be assigned).

Neither option is applicable. More specifically, in response to the Notice, Applicant submits Figure 2 which, along with Figures 1 and 3-6, is identical to the same Figures found in the parent application. It is respectfully submitted that the filing date of 03/16/04 for the divisional application identified above be maintained and that a new Oath or Declaration is not necessary.

Applicant directs the Office to Section 18 of the Utility Patent Application Transmittal Form (PTO/SB/05) used for the subject application, a copy of which is enclosed. The final paragraph in this section states as follows;

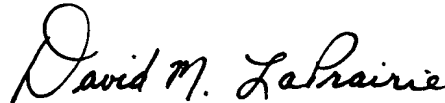
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

The attached Figure 2 was part of the prior application from which the declaration was supplied under Box 5b. As such, Figure 2 was considered part of the disclosure of the subject divisional application at the time of filing (03/16/04) and was incorporated by reference. The incorporation by reference is being relied upon because Figure 2 was inadvertently omitted from the submitted application papers of the above-identified divisional application. Applicant therefore submits that Figure 2 be accepted, that the above-identified divisional application be accorded the original filing date of 03/16/04, and that a new Oath or Declaration is not necessary.

No fees are believed due for this Response. However, if any fees are due the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 08-2789. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**



Dated: July 23, 2004

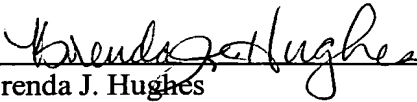
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David M. LaPrairie, Registration No. 46,295  
The Pinehurst Office Center, Suite 101  
39400 Woodward Avenue  
Bloomfield Hills, MI 48304-5151  
(248) 723-0442



**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

I hereby certify that the enclosed **Response to Notice of Omitted Item(s) In A Nonprovisional Application, a copy of Notice of Omitted Item(s) In A Nonprovisional Application, a copy of the Utility Patent Application Transmittal Form (PTO/SB/05), drawings Figure 1-6, and return post card**, are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee", **Mailing Label No. EV 206 961 948 US** and addressed to **Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**, on **July 23, 2004**.

  
Brenda J. Hughes

Applicant directs the Office to Section 18 of the Utility Patent Application Transmittal Form (PTO/SB/05) used for the subject application, a copy of which is enclosed. The final paragraph in this section states as follows;

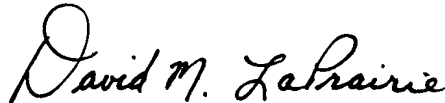
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Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**



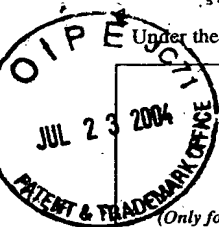
Dated: July 23, 2004

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David M. LaPrairie, Registration No. 46,295  
The Pinehurst Office Center, Suite 101  
39400 Woodward Avenue  
Bloomfield Hills, MI 48304-5151  
(248) 723-0442

Please type a plus sign (+) inside this box ☒Valid for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.		65,253-007
First Inventor		John Paul Von Arx et al.
Title	FRAME ASSEMBLY FOR TENSION FABRIC ABOUT A PANEL OF A PARTITION SYSTEM	
Express Mail Label No.	EV147554036US	

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages (33)]  
(preferred arrangement set forth below)  
Descriptive title of the invention  
Cross reference to related applications  
Statement regarding Fed sponsored R & D  
Reference to sequence listing, a table, or a  
Computer program listing appendix  
Background of the Invention  
Brief Summary of the invention  
Brief Description of the Drawings  
Detailed description  
Claim(s)  
Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets (4)]
5. ☒ Oath or Declaration [Total Pages (4)]
  - a. ☐ Newly executed (original copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
Named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents  
MAILSTOP Patent Application, PO BOX 1450  
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identify of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement ☐ Copies of IDS  
Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 USC 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Check for the payment of the filing fee

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data sheet under 37 CFR. 76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application no.: 10/055,683  
Prior application information: Examiner Chapman, Jeanette E. Group Art Unit: 3635

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

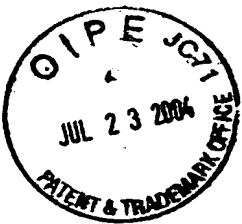
☒ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

27305

Name	David M. LaPrairie				
Address					
City		State		Zip Code	
Country		Telephone		Fax	

Name (Print/Type)	David M. LaPrairie	Registration No. (Attorney/Agent)	46,295
Signature	<i>David M. LaPrairie</i>	Date	March 16, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, MAILSTOP Patent Application, PO Box 1450, Alexandria, VA 22313-1450



**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the enclosed **PATENT APPLICATION** and fee is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee" Mailing Label No. **EV147554036US** and addressed to MAILSTOP PATENT APPLICATIONS, Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450, on **March 16, 2004**.

*Christine M Wolfe*

Christine M. Wolfe